

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall, Philadelphia, PA

Wednesday, May 13, 2009, 3:55 p.m.

Res. 090226 Revised 5-Year Plan Approval

Bill 090212 Capital Program 2010-2015, Inclusive

Bill 090213 FY '10 Capital Budget

Bill 090214 FY '10 Operating Budget

Bill 090215 Refuse and Littering Fine Increase

Bill 090216 Board of Education/Real Estate Taxes

Bill 090217 " " " " " "

Bill 090218 " " " " " "

Bill 090219 Sales & Use Tax, Hotel Occupancy Tax

Bill 090220 Commissioner of Records Fees

Bill 090221 Businesses Waste Hauling

Bill 090244 Sales & Use Tax, Hotel Occupancy Tax

Bill 090378 Revise Wage and Net-Profits Tax

Bill 090379 Business-Privilege Tax Computation

COUNCILMEMBERS PRESENT:

Anna C. Verna, Chair William K. Greenlee

Marian B. Tasco, Co-Chair Curtis Jones, Jr.

Jannie C. Blackwell Jack Kelly

Blondell Reynolds-Brown Joan L. Krajewski

Darrell L. Clarke Donna Reed Miller

Frank DiCicco Brian J. O'Neill

Wilson W. Goode, Jr. Frank Rizzo

Bill Green Maria Q. Sanchez

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2 COUNCIL PRESIDENT VERNA: Good
3 afternoon, everyone. That is a continued
4 public hearing of the Committee of the
5 Whole.

6 MR. McPHERSON: Resolution
7 090226, Bills 090212, 090213, 090214,
8 090215, 090216, 090217, 090218, 090219,
9 090220, 090221, 090244, 090378, 090379.

10 COUNCIL PRESIDENT VERNA: Will
11 the Finance Director please come to the
12 table.

13 (Witnesses come forward.)

14 COUNCIL PRESIDENT VERNA: Good
15 afternoon.

16 MR. DUBOW: Good afternoon,
17 Council President.

18 COUNCIL PRESIDENT VERNA: It is
19 my understanding that the Administration
20 has amendments to offer?

21 MR. AGOSTINI: Madam President,
22 that is correct.

23 Steve Agostini, Budget Director
24 for the City of Philadelphia.

25 We do have some amendments, and

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2 if you will bear with me, I'd like to
3 walk through those.

4 The first amendment would be
5 moving \$200,000 out of the Mayor's Office
6 from Class 100 to the Managing Director's
7 Office in order to cover the salary of
8 the new Parks and Library Director.

9 The second would be a --

10 COUNCIL PRESIDENT VERNA:

11 Excuse me, Steve, isn't that also for
12 staff? Is it one staff member?

13 MR. AGOSTINI: I'm sorry. It's
14 for one staff person -- two staff people,
15 one staff person being the director and
16 then for some administrative or clerical
17 assistance.

18 The second would be for the
19 Division of Technology, a move from Class
20 200 Purchases of Services to Class 100,
21 1.5 million to fund approximately 17
22 positions for a variety of functions
23 within the Division of Technology.

24 The next item would be the
25 receipt of the \$200,000 in Class 100

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2 Funds from the Mayor's Office.

3 And then an internal transfer
4 from Class 200 of \$1,015,386 to Class 100
5 for the Youth Violence Reduction Program,
6 and that would be to cover police
7 overtime associated with that.

8 COUNCIL PRESIDENT VERNA: I'm
9 sorry. What was that you said?

10 MR. AGOSTINI: It would be to
11 cover police overtime associated with
12 that program.

13 The next amendment would
14 restore \$500,000 in contributions, Class
15 500, to the Recreation Department for
16 restoration of the Philadelphia
17 Activities Fund.

18 COUNCIL PRESIDENT VERNA: So
19 how much is there in the Activities Fund?

20 MR. AGOSTINI: Madam President,
21 I'd have to check. If you could give me
22 a moment, I'll check and get back to you.

23 COUNCIL PRESIDENT VERNA: I
24 would appreciate it. I think that was a
25 question that we all had.

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2 MR. AGOSTINI: And I'll have
3 that for you in a moment.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 MR. AGOSTINI: The next item
7 would be a movement of Class 100 Funds in
8 the Department of Human Services into
9 Class 200 Purchase of Services, and
10 that's a rebalancing -- to correct a
11 rebalancing error on our part.

12 The next item would be Class --
13 in addition to Class 200 in the Director
14 of Finance's Office, a transfer from the
15 Fringe Account to Class 200 of \$559,999.

16 And the next item would be a
17 transfer, recognizing that transfer out
18 of the Finance Fringe Account, \$559,999.

19 And then the recognition of the
20 deferral with respect to the pension
21 payment, and the net of that number is
22 \$146,906,001. So that the total Fringe
23 Account change in Class 100 would be
24 \$147,466,000.

25 And to your question about the

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2 Activities Fund, it would be at

3 \$2.2 million.

4 COUNCIL PRESIDENT VERNA: Is

5 the \$500,000 included in that?

6 MR. AGOSTINI: 2.2 million.

7 I'm sorry.

8 COUNCIL PRESIDENT VERNA: I'm

9 sorry. Was the 500,000 included in the

10 2.2 million?

11 MR. AGOSTINI: I believe so,

12 yes.

13 COUNCIL PRESIDENT VERNA: It is

14 included?

15 MR. AGOSTINI: Yes.

16 COUNCIL PRESIDENT VERNA: Thank

17 you.

18 MR. AGOSTINI: The next item

19 would be an intern transfer from the

20 Board of Ethics, moving \$51,500 out of

21 Class 100 into Class 200, the Purchase of

22 Services. And I believe this has to do

23 with the purchase of some legal services

24 associated with the Board of Ethics.

25 The next item would be Zoning

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2 Code Commission, an internal transfer,
3 moving \$20,000 into Personnel, \$35,000
4 out of the Purchase of Services Class
5 200, and moving \$15,000 into Class 300,
6 400 Materials, Supplies and Equipment.

7 So let me start that again
8 'cause I know that sounded confusing.

9 Move 35,000 out of Class 200
10 and move 20 into Class 100 and 15,000
11 into Class 300 for the Zoning Code
12 Commission.

13 The next item is an addition of
14 \$4 million to the District Attorney
15 Budget into Class 100. That would
16 increase their budget from the 24.9 to
17 the \$28.9 million, and that would come
18 from fund balance in the General Fund.

19 That would take total changes
20 in the General Fund as follows:

21 \$144,329,474 from Class 100.

22 \$1,408,473 into the Class 200
23 Purchase of Services.

24 \$15,000 in the Class 300 and
25 400.

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2 And then an addition of
3 \$500,000 in the Contributions and
4 Indemnities.

5 For a total decrease in the
6 General Fund expenditures of
7 \$142,406,001.

8 In addition, we made a
9 technical correction on the OHCD Budget
10 to maintain the reporting relationship to
11 the Mayor's Office as opposed to
12 displaying it, as we originally had, in
13 the proposed, where the reporting
14 relationship was to the Director of
15 Commerce and the Deputy Mayor. That has
16 been corrected so that it is now a direct
17 reporting relationship to the Mayor's
18 Office.

19 In the Grants Revenue Fund, we
20 have made a couple of changes.

21 For the Personnel Department,
22 we have augmented the Class 200 by
23 \$505,977 in order to carry over Grant
24 Funds.

25 In Class 900 for the Finance

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2 Department, about \$23 to clean up some
3 accounts.

4 And then, finally, we have
5 added \$200 million in Recovery Act
6 standby appropriation for the purposes of
7 receiving dollars that may become
8 available in coming months that are
9 associated with the Recovery Act.

10 And, as we have said on
11 numerous occasions here, it is our intent
12 to come back to you to be sure that we
13 have appropriation authority from this
14 body before we move forward with
15 appropriations and expenditures.

16 So the total Grants Revenue
17 Fund would change by the following:

18 A Class 200 increase of
19 \$505,977.

20 In Class 900, \$200,000,023.

21 For total of \$200,506,000.

22 We have some small changes to
23 the -- actually large changes to the
24 Capital Budget Program, so let me walk
25 you through those.

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2 In Recreation, cultural
3 facilities renovation, we have a
4 \$3 million increase. And then in -- and
5 I believe that's primarily for the Dell.

6 And then in the Water
7 Department, we have four changes, and
8 these are a combination of loan
9 authorizations and capital improvements
10 associated in stimulus funding and the
11 Pennvest loan actually primarily.

12 So the Water Department changes
13 are:

14 Improvement in the collector
15 system. That's \$42,765,000.

16 Storm flood relief,
17 \$37 million.

18 Improvements to the conveyance
19 system, \$47,964,000.

20 And treatment facilities,
21 \$42,887,000.

22 For a total of \$170,616,000.

23 And the total changes to the
24 Capital Budget Program: \$173,616,000.

25 And, as I understand it, the

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2 Planning Commission will be taking these
3 up at its meeting on the 21st and
4 reporting that out so that you will have
5 that sufficient time for your review and
6 adoption of the budget next week.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Are there any questions?

10 The Chair recognizes Councilman
11 Green.

12 COUNCILMAN GREEN: Thank you,
13 Madam Chair.

14 Good afternoon.

15 Can you describe the
16 arrangement that you've made with the DA
17 and whether or not she's satisfied? And
18 also with the Courts with respect to
19 appropriation for next fiscal year?

20 MR. AGOSTINI: With respect to
21 the Courts, we have made no changes to
22 the budget that was before you and
23 continues to be before you.

24 With respect to the District
25 Attorney, the Administration and my

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2 office has met with talked to the DA on
3 numerous occasions since last Friday.
4 We've reached an agreement where their
5 view is that with the 28.9, \$29 million
6 General Fund budget, that would be
7 sufficient for their operations.

8 We sat and understood what
9 their concerns were and what their needs
10 were. And so, we agreed to come back and
11 add \$4 million for their purposes. That
12 does leave them with a reduction, but not
13 as sizeable as before.

14 And based on conversations that
15 I've had with Allen Toslosky, I believe
16 that we're all in agreement. I have not
17 heard anything as recently as last night
18 to suggest otherwise.

19 COUNCILMAN GREEN: Okay. And
20 what about the Courts; is there an
21 agreement outside of this budget to
22 provide additional funding?

23 MR. AGOSTINI: Councilmember,
24 what I understood was that we, the
25 Administration, along with Courts, would

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2 look to a combination of sources, most
3 notably the Burn Grants that have still
4 to be allocated and addressed in order to
5 provide some kind of addition to the
6 Courts budget. I don't believe that that
7 has been settled yet.

8 And if I all correctly, it was
9 Deputy Mayor Gillison's intent to come
10 back to this body to make sure that you
11 were aware of whatever changes in
12 appropriations would be made with respect
13 to that 13.1 million in grants.

14 COUNCILMAN GREEN: Right.
15 Well, the grant itself requires that it
16 be reviewed by the governing body of the
17 local authority, and under the Charter,
18 we're the governing body of the City of
19 Philadelphia.

20 And I'm wondering when we're
21 going to see -- the last opportunity we
22 have to see that grant form is tomorrow,
23 when we're in session, so that we can
24 review it.

25 MR. AGOSTINI: Councilmember, I

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2 don't have an answer to that. I'll have
3 to go back and get back to you about
4 that.

5 COUNCILMAN GREEN: Okay.

6 Thank you, Madam Chair.

7 COUNCIL PRESIDENT VERNA: Thank
8 you very much.

9 Mr. Dubow.

10 MR. DUBOW: Yeah, we also would
11 like to amend the Five-Year Plan
12 resolution. There's a different
13 attachment that reflects the changes that
14 we've made to the plan, most notably the
15 amendments that Mr. Agostini has gone
16 through and then the amounts that show in
17 the benefits line a change every year
18 because of the deferrals in the repayment
19 on the Pension Fund.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 Do any of the Councilmembers
23 have any questions?

24 (No questions or comments.)

25 COUNCIL PRESIDENT VERNA: Thank

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2 you.

3 Is there anyone else that would
4 like to testify?

5 (No response.)

6 MR. McPHERSON: Councilman
7 Green.

8 COUNCIL PRESIDENT Verna: Just
9 a moment, gentlemen.

10 Councilman Green.

11 COUNCILMAN GREEN: Thank you.

12 I just would like to say that I
13 look forward to working with you over the
14 next year on efficiencies that we can
15 wring out of our government and
16 understand that that's -- I just would
17 like your comment on the record about
18 that portion of what we'll be working on
19 over the next year.

20 MR. DUBOW: We also look
21 forward to working with Council to find
22 efficiencies throughout the government.

23 COUNCILMAN GREEN: Thank you.

24 COUNCIL PRESIDENT Verna: This
25 will conclude our public hearing.

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2 We will now go into our public
3 meeting.

4 The Chair recognizes
5 Councilwoman Tasco regarding Resolution
6 No. 090226.

7 COUNCILWOMAN TASCO: Madam
8 President, I offer an amendment to
9 Resolution 090226.

10 (Motion duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded that the
13 amendment to the resolution be adopted.

14 All in favor will say aye.

15 Those opposed?

16 The ayes have it and the motion
17 carries.

18 Councilwoman Tasco?

19 COUNCILWOMAN TASCO: I move
20 that the resolution, as amended, 090266,
21 be reported out of committee.

22 (Motion duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that
25 Resolution 090226, as amended, be

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2 reported out of committee.

3 All in favor will say aye.

4 Those opposed?

5 The ayes have it, and the
6 motion carries.

7 The Chair recognizes
8 Councilwoman Tasco regarding Bill No.
9 090212.

10 COUNCILWOMAN TASCO: Madam
11 President, I offer an amendment to Bill
12 No. 090212.

13 (Motion duly seconded.)

14 COUNCIL PRESIDENT VERNA: It
15 has been moved seconded that the
16 amendment be adopted.

17 All in favor will say aye.

18 Those opposed?

19 The ayes have it, and the
20 motion carries.

21 Councilwoman Tasco.

22 COUNCILWOMAN TASCO: Madam
23 President, I move that Bill No. 090212,
24 as amended, be reported out of committee
25 with a favorable recommendation and that

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2 the rules of Council be suspended so that
3 this bill can be read at Council's next
4 session.

5 (Motion duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that Bill No.
8 090212, be reported out of committee with
9 a favorable recommendation, as amended,
10 and that the rules of Council be
11 suspended so as to permit first reading
12 at our next session of Council of.

13 All those in favor will say
14 aye.

15 Those opposed?

16 The ayes have it, and the
17 motion carries.

18 The Chair recognizes
19 Councilwoman Tasco regarding Bill No.
20 090213.

21 COUNCILWOMAN TASCO: Madam
22 President, I offer an amendment to Bill
23 No. 090213. It has been circulated.

24 (Motion duly seconded.)

25 COUNCIL PRESIDENT VERNA: The

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2 amendment was introduced and seconded.

3 All in favor of the adoption of
4 the amendment will indicate by saying
5 aye.

6 Those opposed?

7 The ayes have it, and the
8 motion carries.

9 Again, the Chair recognizes
10 Councilwoman Tasco.

11 COUNCILWOMAN TASCO: Madam
12 President, I move that Bill No. 090213,
13 as amended, be reported out of committee
14 with a favorable recommendation and that
15 the rules of Council be suspended so that
16 this bill may be read at the next Council
17 session.

18 (Motion duly seconded.)

19 COUNCIL PRESIDENT Verna: It
20 has been moved and seconded that the Bill
21 No. 090213 be reported out of committee
22 with a favorable recommendation, as
23 amended and, further, that the rules of
24 Council of Council be suspended so as to
25 permit first reading at our next session

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2 of Council.

3 All those in favor will say

4 aye.

5 Those opposed?

6 The ayes have it, and the

7 motion carries.

8 Again, the Chair recognizes

9 Councilwoman Tasco regarding Bill No.

10 090214.

11 COUNCILWOMAN TASCO: Madam

12 President, I offer an amendment to Bill

13 No. 090214.

14 (Motion duly seconded.)

15 COUNCIL PRESIDENT Verna: It

16 has been moved and seconded that the

17 amendment offered by Councilwoman Tasco

18 be adopted.

19 All those in favor will say

20 aye.

21 Those opposed?

22 The ayes have it, and the

23 motion carries.

24 The Chair recognizes

25 Councilwoman Tasco.

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2 COUNCILWOMAN TASCO: Madam

3 President, I move that Bill No. 090214,
4 as amended, be reported out of committee
5 with a favorable recommendation and that
6 a request for the suspension of the rules
7 be given so that this bill can be heard
8 at Council's next session.

9 (Motion duly seconded.)

10 COUNCIL PRESIDENT Verna: It
11 has been moved and seconded that Bill No.
12 090214 be reported out of committee with
13 a favorable recommendation, as amended
14 and, further, that the rules of Council
15 be suspended so as to permit first
16 reading at our next session of Council.

17 All in favor will say aye.

18 Those opposed?

19 The ayes have it, and the
20 motion carries.

21 The Chair recognizes
22 Councilwoman Tasco regarding Bill No.
23 090215.

24 COUNCILWOMAN TASCO: Madam

25 President, I move that Bill No. 090215 be

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2 reported out of committee with a
3 favorable recommendation and that the
4 rules of Council be suspended so this
5 bill can be read at Council's next
6 session.

7 (Motion duly seconded.)

8 COUNCIL PRESIDENT Verna: It
9 has been moved and seconded that Bill No.
10 090215 be reported out of committee with
11 a favorable recommendation and, further,
12 that the rules of Council be suspended so
13 as to permit first reading at our next
14 session of Council.

15 All in favor will say aye.

16 Those opposed?

17 The ayes have it, and the
18 motion carries.

19 The Chair now recognizes
20 Councilwoman Blackwell regarding Bill No.
21 090216.

22 COUNCILWOMAN BLACKWELL: Thank
23 you, Madam President.

24 I move that Bill No. 090216 be
25 reported out of committee with a

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2 favorable recommendation and also for a
3 suspension of the rules so as to be heard
4 at our next session.

5 (Motion duly seconded.)

6 COUNCIL PRESIDENT Verna: It
7 has been moved and seconded that Bill No.
8 090216 be reported all of committee with
9 a favorable recommendation and, further,
10 that the rules of Council be suspended so
11 as to permit first reading at our next
12 session of Council.

13 All those in favor will say
14 aye.

15 Those opposed?

16 The ayes have it, and the
17 motion carries.

18 The Chair recognizes
19 Councilwoman Blackwell regarding Bill No.
20 090217.

21 COUNCILWOMAN BLACKWELL: Thank
22 you, Madam President.

23 I move that Bill No. 090217 be
24 reported out of committee with a
25 favorable recommendation and also for a

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2 suspension of the rules so as to permit
3 first reading at our next session of
4 Council.

5 (Motion duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that Bill No.
8 090217 be reported out of committee with
9 a favorable recommendation and, further,
10 that the rules of Council be suspended so
11 as to permit first reading at our next
12 session of Council.

13 All in favor will say aye.

14 Those opposed?

15 The ayes have it, and the
16 motion carries.

17 Bill No. 090218 will be held in
18 committee.

19 Also Bill No. 090219 will also
20 be held in committee.

21 The Chair now recognizes
22 Councilwoman Tasco for a motion on Bill
23 No. 090220.

24 COUNCILWOMAN TASCO: Madam
25 President, I move that Bill No. 090220 be

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2 reported out of committee with a
3 favorable recommendation and that the
4 rules of Council be suspended so that
5 this bill can be heard at Council's next
6 session.

7 (Motion duly seconded.)

8 COUNCIL PRESIDENT Verna: It
9 has been moved and seconded that Bill No.
10 090220 be reported out of committee with
11 a favorable recommendation and, further,
12 that the rules of Council be suspended so
13 as to permit first reading at our next
14 session of Council.

15 All in favor will say aye.

16 Those opposed?

17 The ayes have it, and the
18 motion carries.

19 The Chair recognizes
20 Councilwoman Tasco regarding Bill No.
21 090221.

22 COUNCILWOMAN TESCO: Madam
23 President, I move that Bill No. 090221 be
24 reported out of committee with a
25 favorable recommendation and that the

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2 rules of Council be suspended so that
3 this bill can be read at Council's next
4 session.

5 (Motion duly seconded.)

6 COUNCIL PRESIDENT Verna: It
7 has been moved and seconded that Bill No.
8 090221 be reported out of committee with
9 a favorable recommendation and, further,
10 that the rules of Council be suspended so
11 as to permit first reading at our next
12 session of Council.

13 All those in favor will say
14 aye.

15 Those opposed?

16 The ayes have it, and the
17 motion carries.

18 And, again, the Chair
19 recognizes Councilwoman Tasco regarding
20 Bill No. 090244.

21 COUNCILWOMAN TESCO: Madam
22 President, I move that Bill No. 090244 be
23 reported out of committee with a
24 favorable recommendation and that the
25 rules of Council be suspended so that

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2 this bill may be read at Council's next
3 session.

4 (Motion duly seconded.)

5 COUNCIL PRESIDENT Verna: It
6 has been moved and seconded that Bill No.
7 090244 be reported out of committee with
8 a favorable recommendation and, further,
9 that the rules of Council be suspended so
10 as to permit first reading at our next
11 session of Council.

12 All in favor will indicate by
13 saying aye.

14 Those opposed?

15 The ayes have it and the motion
16 carries.

17 The record will reflect that
18 Bill No. 090378 is being held. Also,
19 Bill No. 090379 is also being held.

20 Are there any questions from
21 members of the committee?

22 (No questions or comments.)

23 COUNCIL PRESIDENT Verna: Thank
24 you. We will stand in recess until the
25 call of the Chair. Thank you all so

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2 very, very much.

3 (Proceedings end at 4:22 p.m.)

4 * * *

C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee of the Whole are contained
fully and accurately in the stenographic notes
taken by me on Wednesday, May 13, 2009, and
that this is a true and correct statement of
same.

JOSEPHINE CARDILLO

Registered Professional Reporter

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